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EXAMINER	
BACKER, FIRMIN	

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/783,560	KANG, DONG-SEOK	
	Examiner	Art Unit	
	Firmin Backer	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 May 2004* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Response to Amendment

This is in response to an amendment file on May 18th, 2004 for letter for patent filed on February 26th, 2001 in which claims 1-22 were presented for examination. In the amendment, no claim has been amended, no claim has been canceled, and no claim has been added. Claims 1-22 remain pending in the letter.

Response to Arguments

1. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mourad et al (U.S. PG Pub no. 2003/135464) in view of Guheen et al (U.S. PG Pub 2004/0107125).

4. As per claim 1, Mourad et al teach digital contents superdistribution method through digital contents download services, the superdistribution method comprising accessing by a user

a server providing digital contents download services via a communication network to make payment for digital contents on the server, and receiving a download of the digital contents on which a security code is set, if the distributed digital contents are executed on the another user's computer, accessing the server automatically via the same or another communication network; and after the server is accessed and payment for the distributed digital contents is made by the another user, (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233).* Mourad et al fail to teach an inventive concept of offering a predetermined compensation via the server to the user who received the downloaded digital contents and distributing the downloaded digital contents after making payment to another user. However, Guheen et al teach a offering a predetermined compensation via the server to the user who received the downloaded digital contents and distributing the downloaded digital contents after making payment to another user (*see paragraph 1200, 3481, 3948, 4350, 4378).* Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Mourad et al to include Guheen et al's concept of offering a predetermined compensation via the server to the user who received the downloaded digital contents and distributing the downloaded digital contents after making payment to another userbecause this would have ensure the content is paid for before downloaded by the user.

5. As per claim 2, Mourad et al teach a method wherein if the distributed digital contents are executed on the another user's computer, further accessing the server due to a failure of a security check on a security code set on the distributed digital contents (*see abstract, figs1A,, 1C, 1D, 6,*

9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233).

6. As per claim 3, Mourad et al teach a method wherein, if the server is accessed and payment for the distributed digital contents is made by the another user, further resetting the security code set on the distributed digital contents for the another user who makes the payment (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233).*

7. As per claim 4, Mourad et al teach a method further comprising further distributing the distributed digital contents on which the security code is reset to a different user; and if payment for the further distributed digital contents is made by the different user, offering via the server a predetermined compensation to the another user who further distributed the distributed digital contents, and if payment for the further distributed digital contents is made by the different user, the security code which has been set on the distributed digital contents is reset for the different user who makes the payment (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233).*

8. As per claim 5, Mourad et al teach a method further comprising further distributing the downloaded digital contents to additional users by the another user who received the distributed digital contents; and repeating the further distributing by the additional users to still other

additional users hierarchically (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233).*

9. As per claim 6, Mourad et al teach a digital contents superdistribution method through digital contents download services, the superdistribution method comprising downloading to a first client the digital contents on which a security code is set from a server, which provides digital contents download services and to which the first client both accessed via a communication network and made payment for the digital contents, receiving at the server an access request from a second client via a second communication network if the downloaded digital contents are distributed from the first client to the second client and are executed on the second client; and offering via the server the first client a predetermined compensation if the second client makes payment for the distributed digital contents (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233).* Mourad et al fail to teach an inventive concept of downloading to a first client the digital contents on which a security code is set from a server, which provides digital contents download services and to which the first client both accessed via a communication network and made payment for the digital contents. However, Guheen et al teach a system of downloading to a first client the digital contents on which a security code is set from a server, which provides digital contents download services and to which the first client both accessed via a communication network and made payment for the digital contents (*see paragraph 1200, 3481, 3948, 4350, 4378).* Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Mourad et al to

include Guheen et al's downloading to a first client the digital contents on which a security code is set from a server, which provides digital contents download services and to which the first client both accessed via a communication network and made payment for the digital contents because this would have ensure the content is paid for before downloaded by the user.

10. As per claim 7, Mourad et al teach a method wherein the access request is automatically made owing to a failure of a security check on a security code set on the distributed digital contents which are executed on the second client (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233).*

11. As per claim 8, Mourad et al teach a method wherein, if the second client makes payment for the distributed digital contents, resetting via the server the security code on the distributed digital contents for the second client (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233).*

12. As per claim 9, Mourad et al teach a method further comprising offering via the server a predetermined compensation to the second client who has further distributed the digital contents on which the security code is reset to an additional client if the digital contents on which the security code is reset is distributed to additional clients and payment for the digital contents on which a security code is reset is made; and if payment for the digital contents on which the

security code is reset is made, resetting the security code on the digital contents for the additional client who makes the payment (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233).*

13. As per claim 10, Mourad et al teach a digital contents superdistribution system comprising a server computer to provide digital contents download services, a second user computer that receives a copy of the digital contents of the first user computer, is connected to the server computer via a second communication network, and is automatically connected to the server computer if the copy of the digital contents distributed by the first user computer are executed by the second user computer, wherein, if the copy of the digital contents distributed by the first user computer are executed on the second user computer, the second user computer accesses the server computer due to a failure of a security check on the security code set on the copy of the digital contents, and if the second user computer accesses the server to make payment for the copy of the digital contents, a predetermined compensation is offered to a first user of the first user computer who has distributed the copy of the digital contents received by the second user computer (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233).* Mourad et al fail to teach an inventive concept of downloading to a first client the digital contents on which a security code is set from a server, which provides digital contents download services and to which the first client both accessed via a communication network and made payment for the digital contents. However, Guheen et al teach a system of downloading to a first client the digital contents on which a security code is set from a server, which provides digital contents

download services and to which the first client both accessed via a communication network and made payment for the digital contents (*see paragraph 1200, 3481, 3948, 4350, 4378).* Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Mourad et al to include Guheen's downloading to a first client the digital contents on which a security code is set from a server, which provides digital contents download services and to which the first client both accessed via a communication network and made payment for the digital contents because this would have ensure the content is paid for before downloaded by the user.

14. As per claim 11, Mourad et al teach a system wherein, if the second user computer makes payment for the copy of the digital contents, the server computer resets the security code on the copy of the digital contents of the second user computer (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233).*

15. As per claim 12, Mourad et al teach a method of distributing digital contents using a server, comprising: receiving at the server an indication from a receiving client through a communication network that the receiving client received a copy of digital contents that includes an identification of a distributing client, and that the receiving client is compliant with a license for the digital contents; and offering compensation using the server to the distributing client after the receiving at the server the indication from the receiving client (*see abstract, figs1A,,*

1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233)..

16. As per claim 13, Mourad et al teach a further comprising setting by the server the identification of the distributing client on the digital contents prior to the receiving the indication from the receiving client, the setting the identification comprising setting a distributing client security code for the digital contents; and resetting the distributing client security code for the copy of the digital contents to a receiving client security code using the server through the communication network if the receiving client is compliant with the license (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233)..*

17. As per claim 14, Mourad et al teach a method of distributing digital contents, comprising verifying at a server that the first client is compliant with a license for the digital contents through a first communication network prior to allowing the first client to access the digital contents; receiving by a second client a copy of the verified digital contents of the first client; verifying at the server that the second client is compliant with the license for the digital contents through the first or a second communications network prior to allowing the second client to access the copy of the verified digital contents of the first client; and offering compensation to the first client if the second client is verified to be compliant with the license (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233)*. Mourad et al fail to teach an inventive

concept of verifying at the server that the second client is compliant with the license for the digital contents through the first or a second communications network prior to allowing the second client to access the copy of the verified digital contents of the first client. However, Guheen et al teach a system of verifying at the server that the second client is compliant with the license for the digital contents through the first or a second communications network prior to allowing the second client to access the copy of the verified digital contents of the first client (*see paragraph 1200, 3481, 3948, 4350, 4378).* Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Mourad et al to include Guheen et al's verifying at the server that the second client is compliant with the license for the digital contents through the first or a second communications network prior to allowing the second client to access the copy of the verified digital contents of the first client because this would have ensure the content is secure and that the user has access right before allowing it to be downloaded by the user.

18. As per claim 15, Mourad et al teach a method wherein the verifying at the server that the first client is compliant comprises setting a first security code for the digital contents that allows the first client to access the digital contents, and the verifying at the server that the second client is compliant comprises resetting the first security code for the copy of the verified digital contents of the first client to a second security code that allows the second client to access the digital contents (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233)..*

19. As per claim 16, Mourad et al teach a method wherein the verifying at the server that the second client is compliant further comprises receiving a payment from the second client prior to resetting the first security code to the second security code (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233)..*

20. As per claim 17, Mourad et al teach a method wherein the receiving by the second client comprises receiving the copy of the verified digital contents of the first client from the first client (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233)..*

21. As per claim 18, Mourad et al teach a method wherein the receiving by the second client comprises receiving the copy of the verified digital contents of the first client from a third client, where the third client was not compliant with the license (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233)..*

22. As per claim 19, Mourad et al teach a distributing system to manage the distribution of digital contents having a license, comprising a first client having the digital contents and the license, where the first client is verified to be compliant with the license, a second client having a copy of the verified digital contents of the first client; and a server that xand offers compensation to the first client if the second client is verified to be compliant with the license

(*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233)*. Mourad et al fail to teach an inventive concept of verifying at the server that the second client is compliant with the license for the digital contents through the first or a second communications network prior to allowing the second client to access the copy of the verified digital contents of the first client. However, Guheen et al teach a system of verifying at the server that the second client is compliant with the license for the digital contents through the first or a second communications network prior to allowing the second client to access the copy of the verified digital contents of the first client (*see paragraph 1200, 3481, 3948, 4350, 4378)*. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Mourad et al to include Guheen et al's verifying at the server that the second client is compliant with the license for the digital contents through the first or a second communications network prior to allowing the second client to access the copy of the verified digital contents of the first client because this would have ensure the content is secure and that the user has access right before allowing it to be downloaded by the user.

23. As per claim 20, Mourad et al teach a system wherein the server further sets a first security code for the digital contents that allows the first client to access the digital contents in order to verify that the first client is compliant with the license, and resets the first security code for the copy of the verified digital contents of the first client to a second security code that allows the second client to access the digital contents in order to verify that the second client is

compliant with the license (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233)..*

24. As per claim 21, Mourad et al teach a method further comprising repeating the further distributing and offering the predetermined compensation hierarchically (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233)..*

25. As per claim 22, Mourad et al teach a system further comprising repeating hierarchically the further distributing by and offering the predetermined compensation to the additional client to additionally distribute the digital contents to still other additional clients (*see abstract, figs1A,, 1C, 1D, 6, 9, 10, 18, 19, 25, paragraph 0008, 0011, 00165, 0183, 0203, 0255-0260, 0278-0286, 00590, 00594, 1219, 1233).*

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Firmin Backer
Primary Examiner
Art Unit 3621

July 22, 2004